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April 15, 2010

## VIA CERTIFIED MAIL, R.R.R.

Raymond Basso Strategic Integration Manager Emergency & Remedial Response Division U.S. Environmental Protection Agency 290 Broadway, 19<sup>th</sup> floor New York, NY 10007-1866 VIA CERTIFIED MAIL, R.R.R.

Sarah Flanagan, Assistant Regional Counsel Office of Regional Counsel – Region II U.S. Environmental Protection Agency 290 Broadway, 17<sup>th</sup> floor New York, NY 10007-1866

RE: Diamond Alkali Superfund Site

Request for Information to 42 U.S.C. §§9601-9675

Dear Mr. Basso and Ms. Flanagan:

We represent Automatic Electro-Plating Corporation, an alleged potentially responsible party with respect to the above-referenced Superfund site. We are enclosing herewith the following information in response to the U.S. Environmental Protection Agency's Request for Information pursuant to 42 U.S.C. §§9601-9675 for the Diamond Alkali Superfund Site:

- 1. Answers to Attachment B;
- Certification of Answers to Request for Information, signed by Michael O'Rourke, President of Automatic Electro-Plating Corporation;
- 3. Financial Statements for Automatic Electro-Plating Corporation for years ending November 30, 2006 2009 (please note that these documents contain the requested financial information for fiscal years 2005-2009); and
- 4. Corporate Income Tax Returns for 2004-2008.

Please be advised that we request that any and all of the enclosed documentation be permanently treated with the utmost confidentiality pursuant to Section 104(7)(E) and (F), 42 U.S.C. §§9604(e)(7)(E) and (F), Section 3007(b) of the Resource Conservation and Recovery Act, 42 U.S.C. §6927, and 40 C.F.R. Section 2.203(b). In accordance with the criteria contained in your Information Request, confidentiality is requested pursuant to the following proofs:

- a. We are requesting that all portions of all documents submitted be treated as confidential;
- b. Said documents shall be treated as confidential permanently;
- c. Said documents are never released to the public and are for internal use only. These financial documents are maintained in the normal course of business in a locked file

Raymond Basso, Strategic Integration Manager Sarah Flanagan, Assistant Regional Counsel Diamond Alkali Superfund Site – Request for Information April 15, 2010 Page 2

> cabinet in Foundy Street Corporation's office, as well as, in the office of its accountant.

- d. Said documents are not released except to Federal and State taxing authorities.
- e. There have been no former pertinent determination by any third party as to the propriety of the confidentiality claim made herein;
- f. These confidential documents contain sensitive financial information that are intended for internal use only or filing with federal and state governmental taxing authorities If this information is disclosed to competitors it might allow them access to information which would allow them underprice and/or underbid our client, thus effecting our competitive position in the market.

Please note that all documents have been marked "Confidential".

We understand that these documents will be shared with your contractors for the purpose of conducting the ability to pay analysis and request that these documents be handled with the utmost confidentiality as required by your agreements with said contractors.

Should you have any further questions or require additional documentation, we stand ready to assist.

Very truly yours,

Nancy B. Marchioni

NBM/bms

Enclosures: as stated

Cc: Gerald Boriello



# 185 FOUNDRY STREET, NEWARK, NEW JERSEY 07105 TELEPHONE: (973) 589-0344 FAX: (973) 589-0345 automaticplating@aol.com

March 22, 2010

#### ATTACHMENT B

### REQUEST FOR INFORMATION

- A) Automatic Electro-Plating Corp. 185 Foundry Street Newark, NJ 07105
  - B) Michael J. O'Rourke President
  - C) New Jersey
  - D) NO
  - E) 9
- 2. See enclosed documentation. Form 1120 for the last five years.
- N/A
- 4. See enclosed documentation. Financial statements for the last five years.
- 5. NO
- Michael J. O'Rourke
   Automatic Electro-Plating Corp.
   185 Foundry Street
   Newark, NJ 07105
   973/ 589-0344

973/589-0345 FAX

# CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of NEW JERSEY:
I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that my company is under a continuing obligation to supplement its response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or the company's response thereto should become known or available to the company.
MICHAEL O'ROURGE  NAME (print or type)  PRESIDENT  TITLE (print or type)  MUNIMA
Sworn to before me this 15th day of April 2010